

# Law Office of Nora J. Chorover

nchorover@choroverlaw.com

**RECEIVED**

**NOV 30 2016**

November 28, 2016

OFFICE OF THE REGIONAL ADMINISTRATOR

**BY CERTIFIED MAIL**

William Reisner, President  
William Reisner Corporation  
290 Greely Street  
Clinton, MA 01510  
Certified Mail # 7014 3490 0000 7429 9319

William Reisner, Registered Agent  
William Reisner Corporation  
33 Elm Street  
Clinton, MA 01510  
Certified Mail # 7014 3490 0000 7429 9432

Re: 60-Day Notice of Violations and Intent to File Suit Regarding Noncompliance with  
Federal Clean Water Act's Industrial Stormwater Discharge Requirements: 33 Elm Street,  
Clinton, MA 01510

Dear Mr. Reisner:

This office represents Clean Water Action, a national non-profit citizens' organization working for prevention of pollution in the nation's waters, protection of natural resources, creation of environmentally-safe jobs and businesses, and empowerment of people to make democracy work. Clean Water Action has over one million members nationally, more than 50,000 of whom reside in Massachusetts.

We write to give notice that Clean Water Action intends to file a civil action in the United States District Court for the District of Massachusetts under Section 505 of the Federal Clean Water Act (the "Act") against William Reisner Corporation. The subject of the action will be Reisner's unlawful discharge of stormwater from its scrap recycling and waste recycling facility at 33 Elm Street, Clinton, MA (the "Facility"). Stormwater runoff from the Facility is discharged into the Nashua River.

Reisner Corp. submitted a Notice of Intent ("NOI") to be covered by EPA's reissued Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (the "Permit") on January 17, 2001.<sup>1</sup> However, since then this permit has expired. As a company engaged in the practice of scrap and waste recycling, Reisner is required to comply with the Act's stormwater requirements, including the requirement to apply for and renew the facility's permit when the old one expires. Reisner Corp. has been operating the Facility without renewing coverage under this permit and the company is not currently complying with the Permit's terms.

As is evident from the enclosed photographs (Exhibit A), the company stores material handling equipment, including containers and trucks, on the east side of its facility adjacent to the Nashua River. The permit defines "Stormwater Discharges Associated with Industrial Activity" at Appendix A, pg. A-8. This definition includes stormwater discharges from areas of the facility used for the storage of material handling equipment. Even if the containers and trucks do not contain materials when they are being

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<sup>1</sup> The General Permit was first issued in 1995 and most recently reissued in June 2015 in substantially similar form. See 60 Fed. Reg. 50804 (September 29, 1995); 65 Fed. Reg. 64746 (October 30, 2000); 73 Fed. Reg. 56572 (September 29, 2008), and reissued in 2015 pursuant to 80 Fed. Reg. 34403 (June 4, 2015).

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stored on the east side of the facility, the area is still subject to the provisions of the permit, since the equipment is used to handle materials. The term also includes immediate access roads and rail lines used or traveled by carriers of industrial materials.

Stormwater contaminated with industrial materials to the west of the railroad tracks and to the north of the entrance on Elm Street is likely to flow into the Nashua River to the north of the facility because of the topography of the site, which slopes gradually down towards the river.

We are writing to notify you that Clean Water Action is invoking the citizen suit provision of the Act to address these violations. This formal 60-day notice of intent to sue is being served pursuant to 40 C.F.R., Part 135. The citizen suit provision allows Clean Water Action to bring a civil action against Reisner in the United States District Court for the district of Massachusetts. Clean Water Action will ask the Court to ensure Reisner's future compliance with the Act, assess civil penalties in an appropriate amount,<sup>2</sup> award plaintiff its litigation costs, including attorney and expert fees, and award any other relief the Court deems appropriate.

During the 60-day notice period, we would be willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of litigation. If you wish to pursue such discussions, please have your attorney contact us within the next 20 days so that negotiations may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

This notice is being provided by:

Cindy Luppi, New England Regional Co-Director  
Clean Water Action  
88 Broad Street, Lower Level  
Boston, MA 02110  
(617) 338-8131  
(617) 335-6449 (fax)

Counsel for Clean Water Action in this case is:  
Nora J. Chorover  
Law Office of Nora J. Chorover  
11 Green Street  
Boston, MA 02130  
617-477-3550

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<sup>2</sup> The Statute authorizes the Court to assess a penalty of *up to* \$37,500 a day for each violation. *See* 33 U.S.C. § 1319(d) and 78 Fed. Reg. 66647 (Nov. 6, 2013).

## **BACKGROUND**

Activities that take place at industrial facilities, such as material handling and storage, are often exposed to the weather. As runoff from rain or snowmelt comes into contact with these materials, it picks up pollutants and transports them to nearby rivers, lakes, or coastal waters and tributaries thereto, including but not limited to storm sewer systems, wetlands, and other surface waters. Stormwater pollution is a significant source of water quality problems for the nation's waters.

The following are *some* of the activities, pollutant sources and pollutants that may be present with Reisner's scrap recycling and waste recycling processes:

<b>Activity</b>	<b>Pollutant Source</b>	<b>Pollutant</b>
Stockpiling and storage of materials (including loading and unloading)	Leaking of various fluids from used automotive engines, radiators, brake fluid reservoirs, transmission housings, other vehicle parts, and lead-acid from batteries; Deterioration/corrosion of materials.	PCBs; oil and grease; lubricants; paint pigments or additives; heavy metals; ionizing radioactive isotopes; transmission and brake fluids; fuel; battery acid; lead acid; antifreeze; benzene; chemical residue; heating oil; petroleum products; solvents; ionizing radioactive isotopes; infectious/bacterial contamination; asbestos; metals; total Kjeldahl nitrogen (TKN); oily wastes; chemical residue.
Material processing: Air pollution equipment (including incinerators, furnaces, wet scrubbers, filter houses, and bag houses)	Normal equipment operations that include the collection and disposal of filter bag material and ash, process wastewater from scrubbers, accumulation of particulate matter around leaking joint connections, malfunctioning pumps and motors (e.g., leaking gaskets, seals or pipe connections, leaking oil-filled transformer casings).	Hydraulic fluids; oils; fuels; grease and other lubricants; accumulated particulate matter; chemical additives; and PCBs from oil-filled electrical equipment.

Material processing: Combustion engines	Spills and/or leaks from fuel tanks; spills/leaks from oil/hydraulic fuel reservoirs; faulty/leaking hose connections; worn gaskets; leaking transmissions, crankcases, and brake systems (if applicable); leaking battery casings and/or corroded terminals.	Accumulated particulate matter; oil/Lubricants; gas/diesel fuel; fuel additives; antifreeze (ethylene glycol); battery acid; and products of incomplete combustion.
Material processing: Material handling systems (forklifts, cranes, and conveyors)	Spills and leaks from fuel tanks, hydraulic and oil reservoirs due to malfunctioning parts (e.g., worn gaskets and parts, leaking hose connections, and faulty seals). Damaged or faulty electrical switches (mercury filled). Damaged or leaking battery casings, including exposed corroded battery terminals. Damaged or worn bearing housings.	Hydraulic fluids; oils, fuels and fuel additives; grease and other lubricants; accumulated particulate matter; chemical additives; mercury; lead; battery acid.
Material processing: Stationary scrap processing facilities (balers, briquetters, shredders, shearers, compactors, engine block/cast iron breakers, wire chopper, turnings crusher)	Leaks from hydraulic reservoirs, hose and fitting connections; worn gaskets; spills or leaks from fuel tanks; particulates/residue from scrap processing; malfunctioning pumps and motors (e.g., leaking gaskets, seals or pipe connections, leaking oil-filled transformer casings).	Heavy metals (e.g., zinc, copper, lead, cadmium, chromium) and hydraulic fluids; PCBs.
Material processing: Hydraulic equipment and systems, balers/briquetter, shredders, shearers, compactors, engine block/cast iron breaker, wire chopper, turnings crusher	Particulate/residue from material Processing; spills and/or leaks from fuel tanks; spills/leaks from oil/hydraulic fuel reservoirs; faulty/leaking hose connections/fittings; leaking gaskets.	Hydraulic fluids/oils; lubricants; particulate matter from combustion engines; PCBs (oil-filled electrical equipment components); heavy metals (nonferrous, ferrous).

Material processing: Electrical control systems (transformers, electrical switch gear, motor starters)	Oil leakage from transformers; leakage from mercury float switches; faulty detection devices.	PCBs; mercury (float switches); ionizing radioactive material (fire/smoke detection systems).
Material processing: Torch cutting	Residual/accumulated particulates.	Heavy metal fragments, fines.
Material handling systems	Spills and/or leaks from fuel tanks; spills/leaks from oil/hydraulic fuel reservoirs; faulty/leaking hose connections/fittings; leaking gaskets.	Accumulated particulate matter (ferrous and nonferrous metals, plastics, rubber, other); oil/lubricants; PCBs (electrical equipment); mercury (electrical controls); lead/battery acids.
Vehicle maintenance	Parts cleaning; waste disposal of rags; oil filters; air filters; batteries; hydraulic fluids; transmission fluids; brake fluids; coolants; lubricants; degreasers; spent solvents.	Gas/diesel fuel; fuel additives; oil/lubricants; heavy metals; brake fluids; transmission fluids; chlorinated solvents; arsenic.
Vehicle fueling	Spills and leaks during fuel transfer; spills due to "topping off" tanks; runoff from fueling areas; washdown of fueling areas; leaking storage tanks; spills of oils; brake fluids; transmission fluids; engine coolants.	Gas/diesel fuel; fuel additives; oil; lubricants; heavy metals.
Vehicle and equipment cleaning and washing	Washing and steam cleaning.	Solvent cleaners; oil/lubricants/additives; antifreeze (ethylene glycol).

## **REISNER CORPORATION'S VIOLATIONS AND DATES OF VIOLATIONS**

### **A. THE REQUIREMENTS OF THE ACT**

#### **1. Pollutant Discharges without a Permit are Illegal.**

The Clean Water Act makes the discharge of pollution into waters of the United States unlawful unless the discharge is in compliance with certain statutory requirements, including the requirement that the discharge be permitted by the federal Environmental Protection Agency ("EPA") under the National Discharge Elimination System ("NPDES").

2. Scrap Recycling and Waste Recycling Facilities Must Comply with EPA's General Industrial Stormwater Permit.

In order to minimize polluted stormwater discharges from certain categories of industrial facilities, EPA has issued a general industrial stormwater permit (the "Permit").<sup>3</sup> Scrap recycling and waste recycling facilities are subject to the requirements of this Permit.<sup>4</sup> Scrap recycling and waste recycling facilities that carry on other types of activities also subject to the requirements of the Permit must also comply with any sector-specific requirements for such co-located industrial activity.<sup>5</sup>

3. Scrap Recycling and Waste Recycling Facilities Must Develop and Implement a Stormwater Pollution Prevention Plan ("SWPPP").

An owner or operator (hereafter referred to as "operator") of a facility subject to the requirements of the Permit must prepare a SWPPP before being authorized to discharge under the Permit.<sup>6</sup> The SWPPP must be "prepared in accordance with good engineering practices"<sup>7</sup> and, among other things,

- identify potential sources of pollution at the facility;<sup>8</sup>
- describe and ensure implementation of control measures that are technologically available and economically practicable and achievable in light of best industry practice;<sup>9</sup> and
- set forth specific procedures to assure compliance with effluent limitations and monitoring/inspection requirements of the Permit.<sup>10</sup>

4. Scrap Recycling and Waste Recycling Facilities Must Submit to EPA a Notice of Intent to be covered by the Permit By EPA's Established Deadlines.

After completing and implementing its SWPPP,<sup>11</sup> a scrap recycling and waste recycling facility must submit to EPA a Notice of Intent ("NOI") to be covered by the Permit. EPA's initial NOI filing deadline was January 1, 1996.<sup>12</sup> When the agency reissued the Permit in 2015, it reminded operators of

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<sup>3</sup> The General Permit was first issued in 1995 and most recently reissued in June 2015 in substantially similar form. See 60 Fed. Reg. 50804 (Sept. 29, 1995); 65 Fed. Reg. 64746 (Oct. 30, 2000); 73 Fed. Reg. 56572 (Sept. 29, 2008), and reissued in 2015 pursuant to 80 Fed. Reg. 34403 (June 4, 2015).

<sup>4</sup> Permit, Appendix D, pg. D-4.

<sup>5</sup> Permit, pg. 125.

<sup>6</sup> Permit, pg. 30.

<sup>7</sup> Id.

<sup>8</sup> Permit, pgs. 32-33.

<sup>9</sup> Permit, pgs. 14, 33-34.

<sup>10</sup> Permit, pgs. 34-36.

<sup>11</sup> Permit, pg. 30 ("You must prepare a SWPPP for your facility before submitting your Notice of Intent (NOI) for permit coverage.").

<sup>12</sup> See 60 Fed. Reg. 50804.

subject facilities that unpermitted stormwater discharges are “unauthorized,” and ordered all subject facilities to file an NOI for the 2015 permit by September 2, 2015.<sup>13</sup>

5. Scrap Recycling and Waste Recycling Facilities Must Comply with the Terms of the Permit.

The Permit requires scrap recycling and waste recycling facilities to, among other things:

- a. ensure that stormwater discharges meet applicable water quality standards;<sup>14</sup>
- b. reduce and/or eliminate pollutants to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice;<sup>15</sup>
- c. implement specific best management practices set forth in the Permit for scrap metal and waste recycling facilities;<sup>16</sup>
- d. monitor stormwater discharges for compliance with benchmark limitations applicable to scrap recycling and waste recycling facilities;<sup>17</sup> perform regular facility and stormwater inspections;<sup>18</sup>
- e. report on monitoring and inspections to EPA by specified deadlines;<sup>19</sup> and
- f. comply with those permit conditions applicable to permittees in Massachusetts, including but not limited to
  - i. submission of monitoring results to the Regional Office of the Massachusetts Department of Environmental Protection (“MADEP”) for the MADEP Region in which the Facility is located, where the monitoring identifies exceedences of any effluent limits or benchmarks for which monitoring is required under the Permit, and
  - ii. where effluent limits and/or benchmarks are exceeded, submission to the MADEP Regional Office of any follow-up monitoring and a description of the corrective actions required and undertaken to meet those effluent limits and/or benchmarks.<sup>20</sup>

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<sup>13</sup> Permit, pg. 10 (unpermitted discharges from the facility will continue to be “unauthorized” unless allowed under the Permit). See also 40 C.F.R. §122.28(b)(2)(i) (“A discharger ... who fails to submit a notice of intent in accordance with the terms of the permit is not authorized to discharge ....”).

<sup>14</sup> Permit, pg. 20 (“Your discharge must be controlled as necessary to meet applicable water quality standards.”).

<sup>15</sup> Permit, pg. 14.

<sup>16</sup> Permit, pg. 125-129.

<sup>17</sup> Permit, pg. 129: Reisner was required to monitor for COD, TSS, Aluminum, Copper, Iron, Lead, and Zinc.

<sup>18</sup> Permit, pgs. 22-26.

<sup>19</sup> Permit, pgs. 47-51.

<sup>20</sup> Permit, pgs. 170-171.

**B. REISNER CORPORATION'S VIOLATIONS AND DATES OF VIOLATIONS**

Clean Water Action's complaint will address violations that occurred during the last five years.

**1. Violations that Have Occurred on Specific Days During the Last Five Years:  
Discharges of Stormwater from the Facility Without a NPDES permit**

Reisner's violations of the Act's prohibition against unpermitted discharges occurred and are continuing to occur at the Facility each time rain, snow melt or another factor results in industrial stormwater discharges from the Facility to waters of the United States. The days during the last five years on which rain, snow melt or other factors caused stormwater to be discharged from the Facility to waters of the United States are listed on Exhibit B hereto. Clean Water Action's complaint will also address any non-permitted stormwater discharge violations that occurred or occur between the last date listed on Exhibit B, and the date on which the complaint is filed.

**2. Violations that Have Occurred on Each Day During the Last Five Years:<sup>21</sup>**

The following violations of the Act are set forth on Exhibit C. These violations have occurred on a daily basis for the last five years and they are continuing to occur.

- a. failure to prepare and implement a SWPPP;
- b. failure to submit a NOI to be covered by the Permit;
- c. failure to ensure that stormwater discharges from the Facility will not cause or have the reasonable potential to cause or contribute to a violation of water quality standards;
- d. failure to implement adequate control measures;
- e. failure to monitor for compliance with benchmark limitations;
- f. failure to report monitoring results for the Facility to EPA by the specific deadlines;
- g. failure to conduct required comprehensive site inspections, and
- h. failure to complete and submit annual reports.

To the extent that Reisner is carrying out any other industrial activity at the Facility which is also subject to the requirements of the Permit, then Reisner's failure to comply with the Permit requirements for such co-located activities is also a violation of the Clean Water Act.

**CONCLUSION**

Clean Water Action believes this Notice of Violations and Intent to File Suit sufficiently states the basis for a civil action. During the 60-day notice period, we would be willing to discuss effective

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<sup>21</sup> Clean Water Action believes that the violations set forth in this Section B.2 have occurred on each day of the last five years, and not just on rain days. However, to the extent it is determined that rain days are relevant in determining the dates of violations, such rain dates through November 20, 2016 are set forth on Exhibit B hereto. The complaint, when filed, will set forth additional rain dates since that date.



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remedies for the violations noted in this letter that may avoid the necessity of litigation. If you wish to pursue such discussions, please have your attorney contact us within the next 20 days so that negotiations may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,

A handwritten signature in black ink, appearing to read "Nora J. Chorover", followed by a horizontal line.

Nora J. Chorover  
Attorney for  
CLEAN WATER ACTION

cc: (by certified mail)

Curt Spalding, Regional Administrator  
EPA New England, Region 1,  
5 Post Office Square, Ste. 1 00  
Boston MA 02109  
Certified Mail# 7014 3490 0000 7429 9456

Gina McCarthy, Administrator  
US EPA Headquarters, Ariel Rios Building  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460  
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Martin Suuberg, Commissioner  
Massachusetts Department of  
Environmental Protection  
One Winter Street  
Boston, MA 02108  
Certified Mail# 7014 3490 0000 7429 9470

**EXHIBIT A**  
**PHOTOGRAPHS TAKEN FROM EAST SIDE OF NASHUA RIVER**



## **EXHIBIT B**

### **DAYS BETWEEN DECEMBER 1, 2011 AND NOVEMBER 20, 2016 ON WHICH STORMWATER FROM FACILITY DISCHARGED TO WATERS OF THE UNITED STATES**

December 2011:	7, 8, 16, 22, 23, 28
January 2012:	12, 13, 17, 18, 27, 28
February 2012:	25
March 2012:	1, 3
April 2012:	23, 24
May 2012:	2, 3, 9, 10, 15, 16, 24, 30
June 2012:	2, 3, 5, 8, 13, 14, 26
July 2012:	4, 24, 29
August 2012:	6, 11, 12, 13, 15, 16, 18, 29
September 2012:	5, 6, 9, 19, 23, 29
October 2012:	16, 20, 30
November 2012:	8
December 2012:	8, 10, 18, 21, 26, 29
January 2013:	16, 31
February 2013:	8, 24, 27
March 2013:	6, 7, 8, 12, 19
April 2013:	1, 10, 12, 20
May 2013:	8, 9, 21, 22, 23, 24, 25, 29
June 2013:	3, 4, 7, 8, 10, 11, 13, 14, 17, 18, 28
July 2013:	1, 10, 22, 23, 26
August 2013:	2, 9
October 2013:	4, 6, 7, 31
November 2013:	18, 27
December 2013:	6, 9, 14, 15, 17, 23, 29
January 2014:	6, 11, 14, 18
February 2014:	5, 6, 13, 14, 18, 20
March 2014:	12, 19, 20, 29, 30, 30, 31
April 2014:	4, 8, 14, 15, 16, 23, 26, 30
May 2014:	1, 2, 11, 17, 28, 31
June 2014:	5, 7, 14
July 2014:	4, 5, 16, 28, 29
August 2014:	13, 14, 28
September 2014:	1, 7, 21
October 2014:	1, 2, 5, 12, 17, 23, 24
November 2014:	2, 7, 14, 17, 18, 24, 25, 27
December 2014:	3, 6, 7, 10, 11, 17, 25
January 2015:	4, 19, 25, 27
February 2015:	2, 3, 8, 9, 10, 15, 22
March 2015:	4, 15, 27, 29
April 2015:	4, 21
June 2015:	1, 2, 10, 15, 16, 21, 22, 28, 29
July 2015:	2, 10, 18
August 2015:	2, 5, 12, 17, 19
September 2015:	11, 30

October 2015:	1, 3, 29
November 2015:	20, 29
December 2015:	2, 15, 18, 23, 24, 27, 29, 30
January 2016:	11, 13
February 2016:	4, 5, 9, 16, 17, 24
March 2016:	11, 15, 21, 28, 29, 30
April 2016:	3, 5, 8, 23, 27
May 2016:	3, 5, 6, 24
June 2016:	6
July 2016:	15
August 2016:	1, 3, 11, 14, 17, 22
September 2016:	19, 20, 24, 27
October 2016:	1, 2, 9, 10, 18, 22, 28
November 2016:	16, 20

# EXHIBIT C

## TABLE OF REISNER CORPORATION'S VIOLATIONS

Nov. 2011 to the Present

Requirements applicable to Sector N – Scrap Recycling and Waste Recycling Facilities

<u>Type of Violation</u>	<u>Quarter</u>	<u>Parameter</u>	<u>Beginning Date of Violation</u>	<u>Earliest End Date of Violation</u>
Failure to Prepare and Implement a SWPPP	n/a	n/a	Nov. 22, 2011	Present
Failure to Submit NOI to be Covered by Permit	n/a	n/a	Nov. 22, 2011	Present
Failure to Ensure Discharges Will Not Cause/Contribute to Violation of Water Quality Standards	n/a	n/a	Nov. 22, 2011	Present
Failure to Implement Adequate Pollution Prevention Measures	all	All Parameters <sup>1</sup>	July 31, 2010	Present
Failure to complete and submit annual reports	n/a	n/a	Jan. 30, 2012	Present
Failure to complete and submit annual reports	n/a	n/a	Jan. 30, 2013	Present
Failure to complete and submit annual reports	n/a	n/a	Jan. 30, 2014	Present
Failure to complete and submit annual reports	n/a	n/a	Jan. 30, 2015	Present
Failure to complete and submit annual reports	n/a	n/a	Jan. 30, 2016	Present
Failure to Conduct Benchmark Monitoring	Nov.-Dec. 2011	All Parameters	Dec. 31, 2011	Present
Failure to Report Results of Benchmark Monitoring	Nov.-Dec. 2011	All Parameters	Jan. 30, 2012	Present
Failure to Conduct Benchmark Monitoring	Jan.-Mar. 2012	All Parameters	Mar. 31, 2012	Present
Failure to Report Results of Benchmark Monitoring	Jan.-Mar. 2012	All Parameters	Apr. 31, 2012	Present
Failure to Conduct Benchmark Monitoring	Apr.-Jun 2012	All Parameters	Jun 30, 2012	Present
Failure to Report Results of Benchmark Monitoring	Apr.-Jun 2012	All Parameters	Jul 30, 2012	Present
Failure to Conduct Benchmark Monitoring	Jul-Sept. 2012	All Parameters	Sept. 30, 2012	Present
Failure to Report Results of Benchmark Monitoring	Jul-Sept. 2012	All Parameters	Oct. 30, 2012	Present
Failure to Conduct Benchmark Monitoring	Oct.-Dec. 2012	All Parameters	Dec. 31, 2012	Present
Failure to Report Results of Benchmark Monitoring	Oct.-Dec. 2012	All Parameters	Jan. 30, 2013	Present
Failure to Conduct Benchmark Monitoring	Jan.-Mar. 2013	All Parameters	Mar. 31, 2013	Present
Failure to Report Results of Benchmark Monitoring	Jan.-Mar. 2013	All Parameters	Apr. 31, 2013	Present
Failure to Conduct Benchmark Monitoring	Apr.-Jun 2013	All Parameters	Jun 30, 2013	Present

<sup>1</sup> Per Section 8.N of the 2015 Multi-Sector General Stormwater Permit, Reisner Corporation was required to monitor and control the presence of Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Aluminum, Total Copper, Total Iron, Total Lead, and Total Zinc in its stormwater discharges to the Nashua River.

<u>Type of Violation</u>	<u>Quarter</u>	<u>Parameter</u>	<u>Beginning Date of Violation</u>	<u>Earliest End Date of Violation</u>
Failure to Report Results of Benchmark Monitoring	Apr.-Jun 2013	All Parameters	Jul 30, 2013	Present
Failure to Conduct Benchmark Monitoring	Jul-Sept. 2013	All Parameters	Sept. 30, 2013	Present
Failure to Report Results of Benchmark Monitoring	Jul-Sept. 2013	All Parameters	Oct. 30, 2013	Present
Failure to Conduct Benchmark Monitoring	Oct.-Dec. 2013	All Parameters	Dec. 31, 2013	Present
Failure to Report Results of Benchmark Monitoring	Oct.-Dec. 2013	All Parameters	Jan. 30, 2014	Present
Failure to Conduct Benchmark Monitoring	Jan.-Mar. 2014	All Parameters	Mar. 31, 2014	Present
Failure to Report Results of Benchmark Monitoring	Jan.-Mar. 2014	All Parameters	Apr. 31, 2014	Present
Failure to Conduct Benchmark Monitoring	Apr.-Jun 2014	All Parameters	Jun 30, 2014	Present
Failure to Report Results of Benchmark Monitoring	Apr.-Jun 2014	All Parameters	Jul 30, 2014	Present
Failure to Conduct Benchmark Monitoring	Jul-Sept. 2014	All Parameters	Sept. 30, 2014	Present
Failure to Report Results of Benchmark Monitoring	Jul-Sept. 2014	All Parameters	Oct. 30, 2014	Present
Failure to Conduct Benchmark Monitoring	Oct.-Dec. 2014	All Parameters	Dec. 31, 2014	Present
Failure to Report Results of Benchmark Monitoring	Oct.-Dec. 2014	All Parameters	Jan. 30, 2015	Present
Failure to Conduct Benchmark Monitoring	Oct.-Dec. 2014	All Parameters	Jan. 30, 2015	Present
Failure to Report Results of Benchmark Monitoring	Jan.-Mar. 2015	All Parameters	Mar. 31, 2015	Present
Failure to Conduct Benchmark Monitoring	Jan.-Mar. 2015	All Parameters	Apr. 31, 2015	Present
Failure to Report Results of Benchmark Monitoring	Apr.-Jun 2015	All Parameters	Jun 30, 2015	Present
Failure to Conduct Benchmark Monitoring	Apr.-Jun 2015	All Parameters	Jul 30, 2015	Present
Failure to Report Results of Benchmark Monitoring	Jul-Sept. 2015	All Parameters	Sept. 30, 2015	Present
Failure to Conduct Benchmark Monitoring	Jul-Sept. 2015	All Parameters	Oct. 30, 2015	Present
Failure to Report Results of Benchmark Monitoring	Oct.-Dec. 2015	All Parameters	Dec. 31, 2015	Present
Failure to Conduct Benchmark Monitoring	Oct.-Dec. 2015	All Parameters	Jan. 30, 2016	Present
Failure to Report Results of Benchmark Monitoring	Jan.-Mar. 2016	All Parameters	Mar. 31, 2016	Present
Failure to Conduct Benchmark Monitoring	Jan.-Mar. 2016	All Parameters	Apr. 31, 2016	Present
Failure to Report Results of Benchmark Monitoring	Apr.-Jun 2016	All Parameters	Jun 30, 2016	Present
Failure to Conduct Benchmark Monitoring	Apr.-Jun 2016	All Parameters	Jul 30, 2016	Present
Failure to Report Results of Benchmark Monitoring	Jul-Sept. 2016	All Parameters	Sept. 30, 2016	Present
Failure to Conduct Benchmark Monitoring	Jul-Sept. 2016	All Parameters	Oct. 30, 2016	Present